On January 10, 1939, the defendant entered a plea of nolo contendere and the court imposed a fine of $50, but suspended payment thereof and placed the defendant on probation for 3 months.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30226. Adulteration and misbranding of Gilmore's Ointment of Mercury Oxide, and Gilmore's Ointment Holocain. U. S. v. Don Gilmore Laboratories, Inc. Plea of nolo contendere. Fine, $25. (F. & D. No. 39802. Sample Nos. 37051–C, 37052–C.)

The former of these products was labeled to indicate that it was yellow mercuric oxide ointment, a product recognized in the United States Pharmacopoeia; whereas it contained less mercuric oxide than required by the pharmacopoeia for yellow mercuric oxide ointment and less than declared on its label. The latter product contained a smaller amount of holocain than declared on the label.

On November 26, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Don Gilmore Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 11, 1936, and May 17, 1937, from the State of Ohio into the State of West Virginia of quantities of the above-named products which were adulterated and misbranded. They were labeled: "Gilmore's No. 2 Ointment Mercury Ox. Flav.," and "Gilmore's No. 29 Ointment Holocain 2%."

The No. 2 ointment was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since it contained less than 0.9 percent, namely, not more than 0.66 percent of mercuric oxide; whereas the pharmacopoeia provides that yellow mercuric oxide ointment shall contain not less than 0.9 percent of mercuric oxide and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 2 percent of yellow mercury oxide; whereas it contained not more than 0.66 percent of yellow mercury oxide. Misbranding was alleged in that the statement on the label, "Contains Mercury Yellow Oxide 2%," was false and misleading.

The No. 29 ointment was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 2 percent of holocain; whereas it contained less than represented, namely, not more than 1.45 percent of holocain. Misbranding was alleged in that the statement on the label, "Holocain 2%," was false and misleading.

On February 3, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30227. Adulteration and misbranding of Counts Kill-Germ. U. S. v. Abijah Henry Counts (Counts Chemical Co.). Plea of guilty. Penalty, $25.01 in lieu of fine and costs. (F. & D. No. 39847. Sample Nos. 37068–C, 37069–C.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects, and false and misleading representations regarding its effectiveness as a germicide.

On December 27, 1937, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abijah Henry Counts, trading as Counts Chemical Co., Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 7 and December 31, 1936, from the State of Tennessee into the State of Kentucky of quantities of Counts Kill-Germ which was adulterated and misbranded.

Analysis showed that the article consisted chiefly of mineral oil, pine-needle oil, and a small amount of water. Bacteriological examination showed that it was not germicidal.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled "Kill-Germ," whereas it was not a germicide.

Misbranding was alleged in that the statement "Kill-Germ" was false and misleading since the article was not a germicide. Further misbranding was alleged in that certain statements on the carton and the bottle label regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a healer, germicide, and blood purifier, and that it was effective in curing rheumatism, coughs, asthma, indigestion, catarrhal bronchitis, catarrh of the stomach, ulcerated stomach, sores, burns, boils, carbuncles, felons, cuts, ringworm, erysipelas, gaulds, piles, hemorrhoids, and any inflammation of the mucous membranes, eye, ear, nose, or throat.

On January 20, 1939, the defendant entered a plea of guilty and was sentenced to pay $25 in lieu of fine and costs on count I and $0.01 in lieu of fine and costs on the remaining five counts of the information.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30228. Adulteration and misbranding of arsenous acid and diluted hydriodic acid. U. S. v. Mallinckrodt Chemical Works. Plea of nolo contendere. Fine, $100. (F. & D. No. 38066. Sample Nos. 71880–B, 71889–B.)

These products differed from the standard laid down in the United States Pharmacopoeia, the former being deficient in arsenic trioxide and containing excessive impurities; and the latter containing hydriodic acid in excess of the amount required by that authority.

On August 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mallinckrodt Chemical Works, a corporation trading at New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about February 25 and March 24, 1936, from the State of New York into the State of New Jersey of quantities of arsenous acid and diluted hydriodic acid, which were adulterated and misbranded.

The arsenous acid was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since it contained less than 99.8 percent, namely, not more than 99.4 percent of arsenic trioxide. The residue remaining upon ignition of 1 gram was more than 0.1 percent, namely, not less than 0.26 percent; 1 gram of the article when treated with 10 cubic centimeters of ammonia T. S. did not give a clear, colorless solution, some of the material having been undissolved; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Misbranding was alleged in that the statement on the label, "Acid Arsenous U. S. P. Powdered Arsenic Trioxide," was false and misleading.

The diluted hydriodic acid was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it contained more than 10.5 percent, namely, not less than 15.6 percent of hydriodic acid; whereas the pharmacopoeia provides that the article shall contain not more than 10.5 percent of hydriodic acid and the standard of strength, quality, and purity of the article was not declared on the container. Misbranding was alleged in that the statement on the label, "Acid Hydriodic U. S. P. diluted (9½–10½%)," was false and misleading.

On October 31, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30229. Adulteration and misbranding of Harosma and Elco Cold Treatment; misbranding of Mrs. Bee Hypo Tonic Pills, Furmas, Rx 333, Mrs. Bee Health Anodyne Capsules, and Sexol Tablets. U. S. v. David F. Berland, Archie Berland, and Rose Kotenberg (Erie Laboratories). Pleas of nolo contendere. Judgment of guilty. Fine, $50. (F. & D. No. 39754. Sample Nos. 13145–C, 37207–C, 37208–C, 37212–C, 37213–C, 37221–C to 37224–C, inclusive.)

The labeling of these products, with the exception of the Elco Cold Tablets, bore false and fraudulent representations regarding their curative and therapeutic effects. The Harosma and the Elco Cold Tablets contained less phenacetin than declared; and Mrs. Bee Health Anodyne Capsules contained acetanilid, which was not declared on the label.